

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

)	
)	
TIMOTHY BOZUNG, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Hon. Hala Y. Jarbou
)	Case No. 22-cv-00304-HYJ-RSK
CHRISTIANBOOK, LLC f/k/a CHRISTIAN)	
BOOK DISTRIBUTORS CATALOG, LLC,)	
)	
Defendant.)	
)	

**DEFENDANT CHRISTIANBOOK, LLC’S OPPOSITION TO PLAINTIFF’S MOTION
FOR LEAVE TO FILE A NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant Christianbook, LLC (“Christianbook”) opposes Plaintiff’s Motion for Leave to file A Notice of Supplement Authority (ECF No. 48) (“Motion”) Regarding a Report and Recommendation (“R&R”) issued on March 3, 2023. *See Briscoe, et al. v. NTVB Media Inc.*, No. 22-cv-10352, ECF No. 41 (E.D. Mich. Mar. 3, 2023) (“*Briscoe*”). Plaintiff’s Motion is premature, as he asks that the Court adopt as “controlling authority” (ECF No. 48, PageID.1536) a Report and Recommendation that is not yet controlling authority in *Briscoe* itself.

The *Briscoe* R&R was issued on March 3, 2023 – the same day Plaintiff filed his Motion. The parties have 14 days from that date to object to and seek review of any of the R&R’s proposed findings and recommendations, and any party opposing any objection will then have another 14 days to file its response to any objection. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). To the extent the parties object to any proposed finding in the R&R, the district court will determine that finding under *de novo* review, at which point it “may accept, reject, or

modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). Plaintiff’s request that the Court recognize as “controlling authority” “recommended” findings that are subject to appeal by the parties and *de novo* review by the district judge is improper.

For these reasons, the Court should deny Plaintiff’s Motion.

Dated: March 6, 2023

Respectfully submitted,

/s/ Matthew J. Boettcher
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CERTIFICATE OF SERVICE

I hereby certify that, on March 6, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which caused it to be served on all counsel of record.

/s/ Matthew J. Boettcher
Matthew J. Boettcher